

B 3  
amount of a compound of formula (I) according to claim 52, or a tautomeric form thereof and/or a pharmaceutically acceptable salt thereof and/or a pharmaceutically acceptable solvate thereof.--

Extra Claim Fees

New dependent claim 57 has been added to the application calling for an extra fee of \$12.00.

A check in this amount is enclosed.

Remarks

Claims 2 to 57 are in the case.

Applicant's attorney wishes to thank the Examiner for courteously granted the interview of August 16, 1990, for the purpose of discussing this case. The interview has been very helpful in clarifying the various issues raised in the Final Office Action.

Claims 52-56 were rejected under 35 U.S.C. §112 on the ground that the invention is not described in such full, clear, concise and exact terms as to enable any skilled person in the art to make and use the same, and/or failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In light of the Examiner's rejection, claim 52 was carefully reviewed and amended to correct the spelling of "akyl" and to remove duplicate expressions.

It is now believed that claim 52 as amended overcomes the 112 rejection and is allowable as are claims 53-55 depending therefrom.

As regards claim 56, this claim was rejected on the ground that the use of "hypertension, cardiovascular diseases and eating disorders have not been adequately taught." Although

these diseases are mentioned in the penultimate paragraph on page 22 of the application, which subject matter was discussed at the interview. Reference to the foregoing diseases and conditions have been deleted from claim 56, whereby claim 56 is now limited to the treatment of hyperglycaemia and hyperlipidaemia.

The Examiner indicated the claim would be allowable if so amended.

New claim 57 has been added covering the treatment and/or prophylaxis of hypertension, cardiovascular diseases and eating disorders which the Examiner stated covers utilities which are distinct from those set forth in amended claim 56.

If the Examiner adheres to his position that the subject matter of claim 57 is not proper in the present application, the Examiner is authorized to cancel claim 57, applicant having reserved the right to file a divisional application covering said additional utilities.

Claims 2-43, 49-52, 44-48 and 53-56 (that is, claims 2-56) were provisionally rejected under 35 U.S.C. §101 as claiming the same invention of copending application Serial No. 238,764.

For the Examiner's information, the parent case is no longer copending. A Notice of Allowance issued on February 26, 1990, calling for the payment of the issue fee by May 29, 1990.

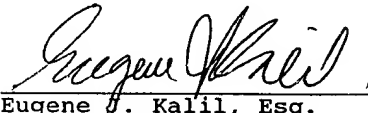
The Issue Fee was not paid and the parent case was allowed to go abandoned in favor of the present application.

The rejection of the claims under the judicially created doctrine of obviousness type double patenting is now believed moot and should be withdrawn.

Reconsideration and allowance of claims 2-56 are  
respectfully requested.

Respectfully submitted,

By:

  
Eugene J. Kalil, Esq.  
Registration No. 16,686  
Hopgood, Calimafde, Kalil,  
Blaustein & Judlowe  
60 East 42nd Street  
New York, New York 10165  
(212) 986-2480

Dated: September 4, 1990